

# **APPENDIX 1**

## **Grand Jury Instructions**

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF CALIFORNIA  
3  
4

5 IN RE: THE IMPANELMENT )  
6 OF GRAND JURY PANELS 07-1 AND )  
7 07-2 )  
8 )  
9 )  
\_\_\_\_\_ )

10  
11 BEFORE THE HONORABLE LARRY ALAN BURNS  
12 UNITED STATES DISTRICT JUDGE  
13

14 REPORTER'S PARTIAL TRANSCRIPT OF PROCEEDINGS  
15 WEDNESDAY, JANUARY 11, 2007  
16  
17  
18  
19  
20

21 COURT REPORTER: EVA OEMICK  
22 OFFICIAL COURT REPORTER  
23 UNITED STATES COURTHOUSE  
24 940 FRONT STREET, STE. 2190  
25 SAN DIEGO, CA 92101  
TEL: (619) 615-3103

1        SAN DIEGO, CALIFORNIA-WEDNESDAY, JANUARY 11, 2007-9:30 A.M.

2                THE COURT: LADIES AND GENTLEMEN, YOU HAVE BEEN  
3        SELECTED TO SIT ON THE GRAND JURY. IF YOU'LL STAND AND RAISE  
4        YOUR RIGHT HAND, PLEASE.

5                MR. HAMRICK: DO YOU, AND EACH OF YOU, SOLEMNLY  
6        SWEAR OR AFFIRM THAT YOU SHALL DILIGENTLY INQUIRE INTO AND  
7        MAKE TRUE PRESENTMENT OR INDICTMENT OF ALL MATTERS AND THINGS  
8        AS SHALL BE GIVEN TO YOU IN CHARGE OR OTHERWISE COME TO YOUR  
9        KNOWLEDGE TOUCHING YOUR GRAND JURY SERVICE; TO KEEP SECRET THE  
10       COUNSEL OF THE UNITED STATES, YOUR FELLOWS AND YOURSELVES; NOT  
11       TO PRESENT OR INDICT ANY PERSON THROUGH HATRED, MALICE OR ILL  
12       WILL; NOR LEAVE ANY PERSON UNREPRESENTED OR UNINDICTED THROUGH  
13       FEAR, FAVOR, OR AFFECTION, NOR FOR ANY REWARD, OR HOPE OR  
14       PROMISE THEREOF; BUT IN ALL YOUR PRESENTMENTS AND INDICTMENTS  
15       TO PRESENT THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE  
16       TRUTH, TO THE BEST OF YOUR SKILL AND UNDERSTANDING?

17               IF SO, ANSWER, "I DO."

18               (ALL GRAND JURORS ANSWER AFFIRMATIVELY)

19               THE COURT: ALL JURORS HAVE TAKEN THE OATH AND  
20        ANSWERED AFFIRMATIVELY.

21               IF YOU'LL HAVE A SEAT. WE ARE NEARLY COMPLETED WITH  
22        THIS PROCESS.

23               I AM OBLIGATED BY THE CONVENTION OF THE COURT AND  
24        THE LAW OF THE UNITED STATES TO GIVE YOU A FURTHER CHARGE  
25        REGARDING YOUR RESPONSIBILITY AS GRAND JURORS. THIS WILL

1 APPLY NOT ONLY TO THOSE WHO HAVE BEEN SWORN, BUT THE REST OF  
2 YOU WHOSE NAMES HAVE NOT YET BEEN CALLED, YOU ARE GOING TO BE  
3 PUT IN RESERVE FOR US.

4 AND IF DISABILITIES OCCUR -- I DON'T MEAN IN A  
5 PHYSICAL SENSE, BUT PEOPLE MOVE OR SITUATIONS COME UP WHERE  
6 SOME OF THE FOLKS THAT HAVE BEEN SWORN IN TODAY ARE RELIEVED,  
7 YOU WILL BE CALLED AS REPLACEMENT GRAND JURORS. SO THESE  
8 INSTRUCTIONS APPLY TO ALL WHO ARE ASSEMBLED HERE TODAY.

9 NOW THAT YOU HAVE BEEN IMPANELED AND SWORN AS A  
10 GRAND JURY, IT'S THE COURT'S RESPONSIBILITY TO INSTRUCT YOU ON  
11 THE LAW WHICH GOVERNS YOUR ACTIONS AND YOUR DELIBERATIONS AS  
12 GRAND JURORS.

13 THE FRAMERS OF OUR FEDERAL CONSTITUTION DETERMINED  
14 AND DEEMED THE GRAND JURY SO IMPORTANT TO THE ADMINISTRATION  
15 OF JUSTICE THAT THEY INCLUDED A PROVISION FOR THE GRAND JURY  
16 IN OUR BILL OF RIGHTS.

17 AS I SAID BEFORE, THE 5TH AMENDMENT TO THE UNITED  
18 STATES CONSTITUTION PROVIDES, IN PART, THAT NO PERSON SHALL BE  
19 HELD TO ANSWER FOR A CAPITAL OR OTHERWISE INFAMOUS CRIME  
20 WITHOUT ACTION BY THE GRAND JURY.

21 WHAT THAT MEANS IN A VERY REAL SENSE IS YOU'RE THE  
22 BUFFER BETWEEN THE GOVERNMENT'S POWER TO CHARGE SOMEONE WITH A  
23 CRIME AND THAT CASE GOING FORWARD OR NOT GOING FORWARD.

24 THE FUNCTION OF THE GRAND JURY, IN FEDERAL COURT AT  
25 LEAST, IS TO DETERMINE PROBABLE CAUSE. THAT'S THE SIMPLE

1 FORMULATION THAT I MENTIONED TO A NUMBER OF YOU DURING THE  
2 JURY SELECTION PROCESS. PROBABLE CAUSE IS JUST AN ANALYSIS OF  
3 WHETHER A CRIME WAS COMMITTED AND THERE'S A REASONABLE BASIS  
4 TO BELIEVE THAT AND WHETHER A CERTAIN PERSON IS ASSOCIATED  
5 WITH THE COMMISSION OF THAT CRIME, COMMITTED IT OR HELPED  
6 COMMIT IT.

7 IF THE ANSWER IS YES, THEN AS GRAND JURORS YOUR  
8 FUNCTION IS TO FIND THAT THE PROBABLE CAUSE IS THERE, THAT THE  
9 CASE HAS BEEN SUBSTANTIATED, AND IT SHOULD MOVE FORWARD. IF  
10 CONSCIENTIOUSLY, AFTER LISTENING TO THE EVIDENCE, YOU SAY "NO,  
11 I CAN'T FORM A REASONABLE BELIEF EITHER THAT A CRIME WAS  
12 COMMITTED OR THAT THIS PERSON HAS ANYTHING TO DO WITH IT, THEN  
13 YOUR OBLIGATION, OF COURSE, WOULD BE TO DECLINE TO INDICT, TO  
14 TURN THE CASE AWAY AND NOT HAVE IT GO FORWARD.

15 A GRAND JURY CONSISTS OF 23 MEMBERS OF THE COMMUNITY  
16 DRAWN AT RANDOM. I'VE USED THE TERM "INFAMOUS CRIME." AN  
17 INFAMOUS CRIME, UNDER OUR LAW, REFERS TO A SERIOUS CRIME WHICH  
18 CAN BE PUNISHED BY IMPRISONMENT BY MORE THAN ONE YEAR. THE  
19 PROSECUTORS WILL PRESENT FELONY CASES TO THE GRAND JURY.  
20 MISDEMEANORS, UNDER FEDERAL LAW, THEY HAVE DISCRETION TO  
21 CHARGE ON THEIR OWN. AND THEY'RE NOT -- THOSE CHARGES --  
22 MISDEMEANORS AREN'T ENTITLED TO PRESENTMENT BEFORE A GRAND  
23 JURY.

24 BUT ANY CASE THAT CARRIES A PENALTY OF A YEAR OR  
25 MORE MUST BE PRESENTED TO -- ACTUALLY, MORE THAN A YEAR. A

1 YEAR AND A DAY OR LONGER MUST BE PRESENTED TO A GRAND JURY.

2 THE PURPOSE OF THE GRAND JURY, AS I MENTIONED, IS TO  
3 DETERMINE WHETHER THERE'S SUFFICIENT EVIDENCE TO JUSTIFY A  
4 FORMAL ACCUSATION AGAINST A PERSON.

5 IF LAW ENFORCEMENT OFFICIALS -- AND I DON'T MEAN  
6 THIS IN A DISPARAGING WAY. BUT IF LAW ENFORCEMENT OFFICIALS,  
7 INCLUDING AGENTS AS WELL AS THE FOLKS THAT STAFF THE U.S.  
8 ATTORNEY'S OFFICE, WERE NOT REQUIRED TO SUBMIT CHARGES TO AN  
9 IMPARTIAL GRAND JURY TO DETERMINE WHETHER THE EVIDENCE WAS  
10 SUFFICIENT, THEN OFFICIALS IN OUR COUNTRY WOULD BE FREE TO  
11 ARREST AND BRING ANYONE TO TRIAL NO MATTER HOW LITTLE EVIDENCE  
12 EXISTED TO SUPPORT THE CHARGE. WE DON'T WANT THAT. WE DON'T  
13 WANT THAT.

14 WE WANT THE BURDEN OF THE TRIAL TO BE JUSTIFIED BY  
15 SUBSTANTIAL EVIDENCE, EVIDENCE THAT CONVINCES YOU OF PROBABLE  
16 CAUSE TO BELIEVE THAT A CRIME PROBABLY OCCURRED AND THE PERSON  
17 IS PROBABLY RESPONSIBLE.

18 NOW, AGAIN, I MAKE THE DISTINCTION YOU DON'T HAVE TO  
19 VOTE ON ULTIMATE OUTCOMES. THAT'S NOT UP TO YOU. YOU CAN BE  
20 ASSURED THAT IN EACH CASE, YOU INDICT THE PERSON WHO WILL BE  
21 ENTITLED TO A FULL SET OF RIGHTS AND THAT THERE WILL BE A JURY  
22 TRIAL IF THE PERSON ELECTS ONE. THE JURY WILL HAVE TO PASS ON  
23 THE ACCUSATION ONCE AGAIN USING A MUCH HIGHER STANDARD OF  
24 PROOF, PROOF BEYOND A REASONABLE DOUBT.

25 AS MEMBERS OF THE GRAND JURY, YOU, IN A VERY REAL

1 SENSE, STAND BETWEEN THE GOVERNMENT AND THE ACCUSED. IT'S  
2 YOUR DUTY TO SEE THAT INDICTMENTS ARE RETURNED ONLY AGAINST  
3 THOSE WHOM YOU FIND PROBABLE CAUSE TO BELIEVE ARE GUILTY AND  
4 TO SEE TO IT THAT THE INNOCENT ARE NOT COMPELLED TO GO TO  
5 TRIAL OR EVEN COMPELLED TO FACE AN ACCUSATION.

6 IF A MEMBER OF THE GRAND JURY IS RELATED BY BLOOD OR  
7 MARRIAGE OR KNOWS OR SOCIALIZES TO SUCH AN EXTENT AS TO FIND  
8 HIMSELF OR HERSELF IN A BIASED STATE OF MIND AS TO THE PERSON  
9 UNDER INVESTIGATION OR ALTERNATIVELY YOU SHOULD FIND YOURSELF  
10 BIASED FOR ANY REASON, THEN THAT PERSON SHOULD NOT PARTICIPATE  
11 IN THE INVESTIGATION UNDER QUESTION OR RETURN THE  
12 INDICTMENT.

13 ONE OF OUR GRAND JURORS, MS. GARFIELD, HAS RELATIVES  
14 THAT -- OBVIOUSLY, MS. GARFIELD, IF YOUR SON OR YOUR HUSBAND  
15 WAS EVER CALLED IN FRONT OF THE GRAND JURY, THAT WOULD BE A  
16 CASE WHERE YOU WOULD SAY, "THIS IS JUST TOO CLOSE. I'M GOING  
17 TO RECUSE MYSELF FROM THIS PARTICULAR CASE. NO ONE WOULD  
18 IMAGINE THAT I COULD BE ABSOLUTELY IMPARTIAL WHEN IT COMES TO  
19 MY OWN BLOOD RELATIVES."

20 SO THOSE ARE THE KINDS OF SITUATIONS THAT I REFER TO  
21 WHEN I TALK ABOUT EXCUSING YOURSELF FROM A PARTICULAR GRAND  
22 JURY DELIBERATION. IF THAT HAPPENS, YOU SHOULD INDICATE TO  
23 THE FOREPERSON OF THE GRAND JURY, WITHOUT GOING INTO DETAIL,  
24 FOR WHATEVER REASON, THAT YOU WANT TO BE EXCUSED FROM GRAND  
25 JURY DELIBERATIONS ON A PARTICULAR CASE OR CONSIDERATION OF A

1 PARTICULAR MATTER IN WHICH YOU FEEL YOU'RE BIASED OR YOU MAY  
2 HAVE A CONFLICT.

3 THIS DOES NOT MEAN THAT IF YOU HAVE AN OPPORTUNITY,  
4 YOU SHOULD NOT PARTICIPATE IN AN INVESTIGATION. HOWEVER, IT  
5 DOES MEAN THAT IF YOU HAVE A FIXED STATE OF MIND BEFORE YOU  
6 HEAR EVIDENCE EITHER ON THE BASIS OF FRIENDSHIP OR BECAUSE YOU  
7 HATE SOMEBODY OR HAVE SIMILAR MOTIVATION, THEN YOU SHOULD STEP  
8 ASIDE AND NOT PARTICIPATE IN THAT PARTICULAR GRAND JURY  
9 INVESTIGATION AND IN VOTING ON THE PROPOSED INDICTMENT. THIS  
10 IS WHAT I MEANT WHEN I TALKED TO YOU ABOUT BEING FAIR-MINDED.

11 ALTHOUGH THE GRAND JURY HAS EXTENSIVE POWERS,  
12 THEY'RE LIMITED IN SOME IMPORTANT RESPECTS.

13 FIRST, THESE ARE THE LIMITATIONS ON YOUR SERVICE:  
14 YOU CAN ONLY INVESTIGATE CONDUCT THAT VIOLATES THE FEDERAL  
15 CRIMINAL LAWS. THAT'S YOUR CHARGE AS FEDERAL GRAND JURORS, TO  
16 LOOK AT VIOLATIONS OR SUSPECTED VIOLATIONS OF FEDERAL CRIMINAL  
17 LAW.

18 YOU ARE A FEDERAL GRAND JURY, AND CRIMINAL ACTIVITY  
19 WHICH VIOLATES STATE LAW, THE LAWS OF THE STATE OF CALIFORNIA,  
20 IS OUTSIDE OF YOUR INQUIRY. IT MAY HAPPEN AND FREQUENTLY DOES  
21 HAPPEN THAT SOME OF THE CONDUCT THAT'S UNDER INVESTIGATION BY  
22 THE FEDERAL GRAND JURY ALSO VIOLATES STATE LAW. AND THIS IS  
23 FINE. THAT'S PROPER. BUT THERE ALWAYS HAS TO BE SOME FEDERAL  
24 CONNECTION TO WHAT IS UNDER INVESTIGATION OR YOU HAVE NO  
25 JURISDICTION.

1           THERE'S ALSO A GEOGRAPHIC LIMITATION ON THE SCOPE OF  
2           YOUR INQUIRIES AND THE EXERCISE OF YOUR POWERS. YOU MAY  
3           INQUIRE ONLY INTO FEDERAL OFFENSES COMMITTED IN OUR FEDERAL  
4           DISTRICT, WHICH INCLUDES SAN DIEGO AND IMPERIAL COUNTIES; THAT  
5           IS, THE SOUTHERN DISTRICT OF CALIFORNIA.

6           YOU MAY HAVE CASES THAT IMPLICATE ACTIVITIES IN  
7           OTHER AREAS, OTHER DISTRICTS, AND THERE MAY BE SOME EVIDENCE  
8           OF CRIMINAL ACTIVITY IN CONJUNCTION WITH WHAT GOES ON HERE  
9           THAT'S ALSO HAPPENING ELSEWHERE. THERE ALWAYS HAS TO BE A  
10          CONNECTION TO OUR DISTRICT.

11          THROUGHOUT THE UNITED STATES, WE HAVE 93 DISTRICTS  
12          NOW. THE STATES ARE CUT UP LIKE PIECES OF PIE, AND EACH  
13          DISTRICT IS SEPARATELY DENOMINATED, AND EACH DISTRICT HAS  
14          RESPONSIBILITY FOR THEIR OWN COUNTIES AND GEOGRAPHY. AND YOU,  
15          TOO, ARE BOUND BY THAT LIMITATION.

16          I'VE GONE OVER THIS WITH A COUPLE OF PEOPLE. YOU  
17          UNDERSTOOD FROM THE QUESTIONS AND ANSWERS THAT A COUPLE OF  
18          PEOPLE WERE EXCUSED, I THINK THREE IN THIS CASE, BECAUSE THEY  
19          COULD NOT ADHERE TO THE PRINCIPLE THAT I'M ABOUT TO TELL YOU.

20          BUT IT'S NOT FOR YOU TO JUDGE THE WISDOM OF THE  
21          CRIMINAL LAWS ENACTED BY CONGRESS; THAT IS, WHETHER OR NOT  
22          THERE SHOULD BE A FEDERAL LAW OR SHOULD NOT BE A FEDERAL LAW  
23          DESIGNATING CERTAIN ACTIVITY IS CRIMINAL IS NOT UP TO YOU.  
24          THAT'S A JUDGMENT THAT CONGRESS MAKES.

25          AND IF YOU DISAGREE WITH THAT JUDGMENT MADE BY

1 CONGRESS, THEN YOUR OPTION IS NOT TO SAY "WELL, I'M GOING TO  
2 VOTE AGAINST INDICTING EVEN THOUGH I THINK THAT THE EVIDENCE  
3 IS SUFFICIENT" OR "I'M GOING TO VOTE IN FAVOR OF EVEN THOUGH  
4 THE EVIDENCE MAY BE INSUFFICIENT." INSTEAD, YOUR OBLIGATION  
5 IS TO CONTACT YOUR CONGRESSMAN OR ADVOCATE FOR A CHANGE IN THE  
6 LAWS, BUT NOT TO BRING YOUR PERSONAL DEFINITION OF WHAT THE  
7 LAW OUGHT TO BE AND TRY TO IMPOSE THAT THROUGH APPLYING IT IN  
8 A GRAND JURY SETTING.

9 FURTHERMORE, WHEN YOU'RE DECIDING WHETHER TO INDICT  
10 OR NOT TO INDICT, YOU SHOULDN'T BE CONCERNED WITH PUNISHMENT  
11 THAT ATTACHES TO THE CHARGE. I THINK I ALSO ALLUDED TO THIS  
12 IN THE CONVERSATION WITH ONE GENTLEMAN. JUDGES ALONE  
13 DETERMINE PUNISHMENT. WE TELL TRIAL JURIES IN CRIMINAL CASES  
14 THAT THEY'RE NOT TO BE CONCERNED WITH THE MATTER OF PUNISHMENT  
15 EITHER. YOUR OBLIGATION AT THE END OF THE DAY IS TO MAKE A  
16 BUSINESS-LIKE DECISION ON FACTS AND APPLY THOSE FACTS TO THE  
17 LAW AS IT'S EXPLAINED AND READ TO YOU.

18 THE CASES WHICH YOU'LL APPEAR WILL COME BEFORE YOU  
19 IN VARIOUS WAYS. FREQUENTLY, PEOPLE ARE ARRESTED DURING OR  
20 SHORTLY AFTER THE COMMISSION OF AN ALLEGED CRIME. AND THEN  
21 THEY'RE TAKEN BEFORE A MAGISTRATE JUDGE, WHO HOLDS A  
22 PRELIMINARY HEARING TO DETERMINE WHETHER INITIALLY THERE'S  
23 PROBABLE CAUSE TO BELIEVE A PERSON'S COMMITTED A CRIME.

24 ONCE THE MAGISTRATE JUDGE FINDS PROBABLE CAUSE, HE  
25 OR SHE WILL DIRECT THAT THE ACCUSED PERSON BE HELD FOR ACTION

1 BY THE GRAND JURY. REMEMBER, UNDER OUR SYSTEM AND THE 5TH  
2 AMENDMENT, TRIALS OF SERIOUS AND INFAMOUS CRIMES CAN ONLY  
3 PROCEED WITH GRAND JURY ACTION. SO THE DETERMINATION OF THE  
4 MAGISTRATE JUDGE IS JUST TO HOLD THE PERSON UNTIL THE GRAND  
5 JURY CAN ACT. IT TAKES YOUR ACTION AS A GRAND JURY BEFORE THE  
6 CASE CAN FORMALLY GO FORWARD. IT'S AT THAT POINT THAT YOU'LL  
7 BE CALLED UPON TO CONSIDER WHETHER AN INDICTMENT SHOULD BE  
8 RETURNED IN A GIVEN CASE.

9 OTHER CASES MAY BE BROUGHT TO YOU BY THE UNITED  
10 STATES ATTORNEY OR AN ASSISTANT UNITED STATES ATTORNEY BEFORE  
11 AN ARREST IS MADE. BUT DURING THE COURSE OF AN INVESTIGATION  
12 OR AFTER AN INVESTIGATION HAS BEEN CONDUCTED, THERE'S TWO WAYS  
13 THAT CASES GENERALLY ENTER THE CRIMINAL JUSTICE PROCESS: THE  
14 REACTIVE OFFENSES WHERE, AS THE NAME IMPLIES, THE POLICE REACT  
15 TO A CRIME AND ARREST SOMEBODY. AND THOSE CASES WILL THEN BE  
16 SUBMITTED TO YOU AFTER MUCH OF THE FACTS ARE KNOWN. AND THEN  
17 THERE'S PROACTIVE CASES, CASES WHERE MAYBE THERE'S A SUSPICION  
18 OR A HUNCH OF WRONGDOING. THE FBI MAY BE CALLED UPON TO  
19 INVESTIGATE OR SOME OTHER FEDERAL AGENCY, AND THEY MAY NEED  
20 THE ASSISTANCE OF THE GRAND JURY IN FACILITATING THAT  
21 INVESTIGATION.

22 THE GRAND JURY HAS BROAD INVESTIGATORY POWERS. YOU  
23 HAVE THE POWER TO ISSUE SUBPOENAS, FOR EXAMPLE, FOR RECORDS OR  
24 FOR PEOPLE TO APPEAR. SOMETIMES IT HAPPENS THAT PEOPLE SAY "I  
25 DON'T HAVE TO TALK TO YOU" TO THE FBI, AND THEY REFUSE TO TALK

1 TO THE AUTHORITIES. UNDER THOSE CIRCUMSTANCES, ON OCCASION,  
2 THE FBI MAY GO TO THE U.S. ATTORNEY AND SAY, "LOOK, YOU NEED  
3 TO FIND OUT WHAT HAPPENED HERE. SUMMON THIS PERSON IN FRONT  
4 OF THE GRAND JURY." SO IT MAY BE THAT YOU'RE CALLED UPON TO  
5 EVALUATE WHETHER A CRIME OCCURRED AND WHETHER THERE OUGHT TO  
6 BE AN INDICTMENT. YOU, IN A VERY REAL SENSE, ARE PART OF THE  
7 INVESTIGATION.

8 IT MAY HAPPEN THAT DURING THE COURSE OF AN  
9 INVESTIGATION INTO ONE CRIME, IT TURNS OUT THAT THERE IS  
10 EVIDENCE OF A DIFFERENT CRIME THAT SURFACES. YOU, AS GRAND  
11 JURORS, HAVE A RIGHT TO PURSUE THE NEW CRIME THAT YOU  
12 INVESTIGATE, EVEN CALLING NEW WITNESSES AND SEEKING OTHER  
13 DOCUMENTS OR PAPERS OR EVIDENCE BE SUBPOENAED.

14 NOW, IN THAT REGARD, THERE'S A CLOSE ASSOCIATION  
15 BETWEEN THE GRAND JURY AND THE U.S. ATTORNEY'S OFFICE AND THE  
16 INVESTIGATIVE AGENCIES OF THE FEDERAL GOVERNMENT. UNLIKE THE  
17 U.S. ATTORNEY'S OFFICE OR THOSE INVESTIGATIVE AGENCIES, THE  
18 GRAND JURY DOESN'T HAVE ANY POWER TO EMPLOY INVESTIGATORS OR  
19 TO EXPEND FEDERAL FUNDS FOR INVESTIGATIVE PURPOSES.

20 INSTEAD, YOU MUST GO BACK TO THE U.S. ATTORNEY AND  
21 ASK THAT THOSE THINGS BE DONE. YOU'LL WORK CLOSELY WITH THE  
22 U.S. ATTORNEY'S OFFICE IN YOUR INVESTIGATION OF CASES. IF ONE  
23 OR MORE GRAND JURORS WANT TO HEAR ADDITIONAL EVIDENCE ON A  
24 CASE OR THINK THAT SOME ASPECT OF THE CASE OUGHT TO BE  
25 PURSUED, YOU MAY MAKE THAT REQUEST TO THE U.S. ATTORNEY.

1 IF THE U.S. ATTORNEY REFUSES TO ASSIST YOU OR IF YOU  
2 BELIEVE THAT THE U.S. ATTORNEY IS NOT ACTING IMPARTIALLY, THEN  
3 YOU CAN TAKE THE MATTER UP WITH ME. I'M THE ASSIGNED JURY  
4 JUDGE, AND I WILL BE THE LIAISON WITH THE GRAND JURIES.

5 YOU CAN USE YOUR POWER TO INVESTIGATE EVEN OVER THE  
6 ACTIVE OPPOSITION OF THE UNITED STATES ATTORNEY. IF THE  
7 MAJORITY OF YOU ON THE GRAND JURY THINK THAT A SUBJECT OUGHT  
8 TO BE PURSUED AND THE U.S. ATTORNEY THINKS NOT, THEN YOUR  
9 DECISION TRUMPS, AND YOU HAVE THE RIGHT TO HAVE THAT  
10 INVESTIGATION PURSUED IF YOU BELIEVE IT'S NECESSARY TO DO SO  
11 IN THE INTEREST OF JUSTICE.

12 I MENTION THESE THINGS TO YOU AS A THEORETICAL  
13 POSSIBILITY. THE TRUTH OF THE MATTER IS IN MY EXPERIENCE HERE  
14 IN THE OVER 20 YEARS IN THIS COURT, THAT KIND OF TENSION DOES  
15 NOT EXIST ON A REGULAR BASIS, THAT I CAN RECALL, BETWEEN THE  
16 U.S. ATTORNEY AND GRAND JURIES. THEY GENERALLY WORK TOGETHER.  
17 THE U.S. ATTORNEY IS GENERALLY DEFERENTIAL TO THE GRAND JURY  
18 AND WHAT THE GRAND JURY WANTS.

19 IT'S IMPORTANT TO KEEP IN MIND THAT YOU WILL AND DO  
20 HAVE AN INVESTIGATORY FUNCTION AND THAT THAT FUNCTION IS  
21 PARAMOUNT TO EVEN WHAT THE U.S. ATTORNEY MAY WANT YOU TO DO.

22 IF YOU, AS I SAID, BELIEVE THAT AN INVESTIGATION  
23 OUGHT TO GO INTO OTHER AREAS BOTH IN TERMS OF SUBJECT MATTER,  
24 BEING A FEDERAL CRIME, AND GEOGRAPHICALLY, THEN YOU AS A GROUP  
25 CAN MAKE THAT DETERMINATION AND DIRECT THE INVESTIGATION THAT

1 WAY.

2 SINCE THE UNITED STATES ATTORNEY HAS THE DUTY OF  
3 PROSECUTING PERSONS CHARGED WITH THE COMMISSION OF FEDERAL  
4 CRIMES, SHE OR ONE OF HER ASSISTANTS -- BY THE WAY, THE U.S.  
5 ATTORNEY IN OUR DISTRICT IS MS. CAROL LAM -- SHE OR ONE OF HER  
6 ASSISTANTS WILL PRESENT THE MATTERS WHICH THE GOVERNMENT HAS  
7 DESIRES TO HAVE YOU CONSIDER. THE ATTORNEY WILL EDUCATE YOU  
8 ON THE LAW THAT APPLIES BY READING THE LAW TO YOU OR POINTING  
9 IT OUT, THE LAW THAT THE GOVERNMENT BELIEVES WAS VIOLATED.  
10 THE ATTORNEY WILL SUBPOENA FOR TESTIMONY BEFORE YOU SUCH  
11 WITNESSES AS THE LAWYER THINKS ARE IMPORTANT AND NECESSARY TO  
12 ESTABLISH PROBABLE CAUSE AND ALLOW YOU TO DO YOUR FUNCTION,  
13 AND ALSO ANY OTHER WITNESSES THAT YOU MAY REQUEST THE ATTORNEY  
14 TO CALL IN RELATION TO THE SUBJECT MATTER UNDER INVESTIGATION.

15 REMEMBER THAT THE DIFFERENCE BETWEEN THE GRAND JURY  
16 FUNCTION AND THAT OF THE TRIAL JURY IS THAT YOU ARE NOT  
17 PRESIDING IN A FULL-BLOWN TRIAL. IN MOST OF THE CASES THAT  
18 YOU APPEAR, THE LAWYER FOR THE GOVERNMENT IS NOT GOING TO  
19 BRING IN EVERYBODY THAT MIGHT BE BROUGHT IN AT THE TIME OF  
20 TRIAL; THAT IS, EVERYBODY THAT HAS SOME RELEVANT EVIDENCE TO  
21 OFFER. THEY'RE NOT GOING TO BRING IN EVERYONE WHO CONCEIVABLY  
22 COULD SAY SOMETHING THAT MIGHT BEAR ON THE OUTCOME. THEY'RE  
23 PROBABLY GOING TO BRING IN A LIMITED NUMBER OF WITNESSES JUST  
24 TO ESTABLISH PROBABLE CAUSE. OFTENTIMES, THEY PRESENT A  
25 SKELETON CASE. IT'S EFFICIENT. IT'S ALL THAT'S NECESSARY.

1 IT SAVES TIME AND RESOURCES.

2 WHEN YOU ARE PRESENTED WITH A CASE, IT WILL TAKE 16  
3 OF YOUR NUMBER OUT OF THE 23, 16 MEMBERS OF THE GRAND JURY OUT  
4 OF THE 23, TO CONSTITUTE A QUORUM. YOU CAN'T DO BUSINESS  
5 UNLESS THERE'S AT LEAST 16 MEMBERS OF THE GRAND JURY PRESENT  
6 FOR THE TRANSACTION OF ANY BUSINESS. IF FEWER THAN 16 GRAND  
7 JURORS ARE PRESENT EVEN FOR A MOMENT, THEN THE PROCEEDINGS OF  
8 THE GRAND JURY MUST STOP. YOU CAN NEVER OPERATE WITHOUT A  
9 QUORUM OF AT LEAST 16 MEMBERS PRESENT.

10 NOW, THE EVIDENCE THAT YOU WILL HEAR NORMALLY WILL  
11 CONSIST OF TESTIMONY OF WITNESSES AND WRITTEN DOCUMENTS. YOU  
12 MAY GET PHOTOGRAPHS. THE WITNESSES WILL APPEAR IN FRONT OF  
13 YOU SEPARATELY. WHEN A WITNESS FIRST APPEARS BEFORE YOU, THE  
14 GRAND JURY FOREPERSON WILL ADMINISTER AN OATH. THE PERSON  
15 MUST SWEAR OR AFFIRM TO TELL THE TRUTH. AND AFTER THAT'S BEEN  
16 ACCOMPLISHED, THE WITNESS WILL BE QUESTIONED.

17 ORDINARILY, THE U.S. ATTORNEY PRESIDING AT THE --  
18 REPRESENTING THE U.S. GOVERNMENT AT THE GRAND JURY SESSION  
19 WILL ASK THE QUESTIONS FIRST. THEN THE FOREPERSON OF THE  
20 GRAND JURY MAY ASK QUESTIONS, AND OTHER MEMBERS OF THE GRAND  
21 JURY MAY ASK QUESTIONS, ALSO.

22 I USED TO APPEAR IN FRONT OF THE GRAND JURY. I'LL  
23 TELL YOU WHAT I WOULD DO IS FREQUENTLY I'D ASK THE QUESTIONS,  
24 AND THEN I'D SEND THE WITNESS OUT AND ASK THE GRAND JURORS IF  
25 THERE WERE ANY QUESTIONS THEY WANTED ME TO ASK. AND THE

1 REASON I DID THAT IS THAT I HAD THE LEGAL TRAINING TO KNOW  
2 WHAT WAS RELEVANT AND WHAT MIGHT BE PREJUDICIAL TO THE  
3 DETERMINATION OF WHETHER THERE WAS PROBABLE CAUSE.

4 A LOT OF TIMES PEOPLE WILL SAY, "WELL, HAS THIS  
5 PERSON EVER DONE IT BEFORE?" AND WHILE THAT MAY BE A RELEVANT  
6 QUESTION, ON THE ISSUE OF PROBABLE CAUSE, IT HAS TO BE  
7 ASSESSED ON A CASE-BY-CASE BASIS. IN OTHER WORDS, THE  
8 EVIDENCE OF THIS OCCASION OF CRIME THAT'S ALLEGED MUST BE  
9 ADEQUATE WITHOUT REGARD TO WHAT THE PERSON HAS DONE IN THE  
10 PAST. I WOULDN'T WANT THAT QUESTION ANSWERED UNTIL AFTER THE  
11 GRAND JURY HAD MADE A DETERMINATION OF WHETHER THERE WAS  
12 ENOUGH EVIDENCE.

13 SO WHEN I APPEARED IN FRONT OF THE GRAND JURY, I'D  
14 TELL THEM "YOU'LL GET YOUR QUESTION ANSWERED, BUT I'D LIKE YOU  
15 TO VOTE ON THE INDICTMENT FIRST. I'D LIKE YOU TO DETERMINE  
16 WHETHER THERE'S ENOUGH EVIDENCE BASED ON WHAT'S BEEN  
17 PRESENTED, AND THEN WE'LL ANSWER IT." I DIDN'T WANT TO  
18 PREJUDICE THE GRAND JURY. THERE MAY BE SIMILAR CONCERNS THAT  
19 COME UP. NOW, THE PRACTICES VARY AMONG THE ASSISTANT U.S.  
20 ATTORNEYS THAT WILL APPEAR IN FRONT OF YOU.

21 ON OTHER OCCASIONS WHEN I DIDN'T THINK THERE WAS ANY  
22 RISK THAT MIGHT PREJUDICE THE PROCESS, I WOULD ALLOW THE GRAND  
23 JURY TO FOLLOW UP THEMSELVES AND ASK QUESTIONS. A LOT OF  
24 TIMES, THE FOLLOW-UPS ARE FACTUAL ON DETAILED MATTERS. THAT  
25 PRACTICE WILL VARY DEPENDING ON WHO IS REPRESENTING THE UNITED

1 STATES AND PRESENTING THE CASE TO YOU. THE POINT IS YOU HAVE  
2 THE RIGHT TO ASK ADDITIONAL QUESTIONS OR TO ASK THAT THOSE  
3 QUESTIONS BE PUT TO THE WITNESS.

4 IN THE EVENT A WITNESS DOESN'T SPEAK OR UNDERSTAND  
5 ENGLISH, THEN ANOTHER PERSON WILL BE BROUGHT INTO THE ROOM.  
6 OBVIOUSLY, THAT WOULD BE AN INTERPRETER TO ALLOW YOU TO  
7 UNDERSTAND THE ANSWERS. WHEN WITNESSES DO APPEAR IN FRONT OF  
8 THE GRAND JURY, THEY SHOULD BE TREATED COURTEOUSLY. QUESTIONS  
9 SHOULD BE PUT TO THEM IN AN ORDERLY FASHION. THE QUESTIONS  
10 SHOULD NOT BE HOSTILE.

11 IF YOU HAVE ANY DOUBT WHETHER IT'S PROPER TO ASK A  
12 PARTICULAR QUESTION, THEN YOU CAN ASK THE U.S. ATTORNEY WHO'S  
13 ASSISTING IN THE INVESTIGATION FOR ADVICE ON THE MATTER. YOU  
14 ALONE AS GRAND JURORS DECIDE HOW MANY WITNESSES YOU WANT TO  
15 HEAR. WITNESSES CAN BE SUBPOENAED FROM ANYWHERE IN THE  
16 COUNTRY. YOU HAVE NATIONAL JURISDICTION.

17 HOWEVER, PERSONS SHOULD NOT ORDINARILY BE SUBJECTED  
18 TO DISRUPTION OF THEIR DAILY LIVES UNLESS THERE'S GOOD REASON.  
19 THEY SHOULDN'T BE HARASSED OR ANNOYED OR INCONVENIENCED.  
20 THAT'S NOT THE PURPOSE OF THE GRAND JURY HEARING, NOR SHOULD  
21 PUBLIC FUNDS BE EXPENDED TO BRING WITNESSES UNLESS YOU BELIEVE  
22 THAT THE WITNESSES CAN PROVIDE MEANINGFUL, RELEVANT EVIDENCE  
23 WHICH WILL ASSIST IN YOUR DETERMINATIONS AND YOUR  
24 INVESTIGATION.

25 ALL WITNESSES WHO ARE CALLED IN FRONT OF THE GRAND

1 JURY HAVE CERTAIN RIGHTS. THESE INCLUDE, AMONG OTHERS, THE  
2 RIGHT TO REFUSE TO ANSWER QUESTIONS ON THE GROUNDS THAT THE  
3 ANSWER TO A QUESTION MIGHT INCRIMINATE THEM AND THE RIGHT TO  
4 KNOW THAT ANYTHING THEY SAY MIGHT BE USED AGAINST THEM.

5 THE U.S. ATTORNEYS ARE CHARGED WITH THE OBLIGATION,  
6 WHEN THEY'RE AWARE OF IT, OF ADVISING PEOPLE OF THIS RIGHT  
7 BEFORE THEY QUESTION THEM. BUT BEAR THAT IN MIND.

8 IF A WITNESS DOES EXERCISE THE RIGHT AGAINST  
9 SELF-INCRIMINATION, THEN THE GRAND JURY SHOULD NOT HOLD THAT  
10 AS ANY PREJUDICE OR BIAS AGAINST THAT WITNESS. IT CAN PLAY NO  
11 PART IN THE RETURN OF AN INDICTMENT AGAINST THE WITNESS. IN  
12 OTHER WORDS, THE MERE EXERCISE OF THE PRIVILEGE AGAINST  
13 SELF-INCRIMINATION, WHICH ALL OF US HAVE AS UNITED STATES  
14 RESIDENTS, SHOULD NOT FACTOR INTO YOUR DETERMINATION OF  
15 WHETHER THERE'S PROBABLE CAUSE TO GO FORWARD IN THIS CASE.  
16 YOU MUST RESPECT THAT DETERMINATION BY THE PERSON AND NOT USE  
17 IT AGAINST THEM.

18 IT'S AN UNCOMMON SITUATION THAT YOU'LL FACE WHEN  
19 SOMEBODY DOES CLAIM THE PRIVILEGE AGAINST SELF-INCRIMINATION.  
20 THAT'S BECAUSE USUALLY AT THE TIME A PERSON IS SUBPOENAED, IF  
21 THERE'S A PROSPECT THAT THEY'RE GOING TO CLAIM THE PRIVILEGE,  
22 THE U.S. ATTORNEY IS PUT ON NOTICE OF THAT BEFOREHAND EITHER  
23 BY THE PERSON HIMSELF OR HERSELF OR MAYBE A LAWYER  
24 REPRESENTING THE PERSON.

25 IN MY EXPERIENCE, MOST OF THE TIME THE U.S. ATTORNEY

1 WILL NOT THEN CALL THE PERSON IN FRONT OF YOU BECAUSE IT WOULD  
2 BE TO NO EFFECT TO CALL THEM AND HAVE THEM ASSERT THEIR 5TH  
3 AMENDMENT PRIVILEGE. BUT IT SOMETIMES DOES COME UP. IT  
4 SOMETIMES HAPPENS. SOMETIMES THERE'S A QUESTION OF WHETHER  
5 THE PERSON HAS A BONA FIDE PRIVILEGE AGAINST  
6 SELF-INCRIMINATION. THAT'S A MATTER FOR THE COURT TO  
7 DETERMINE IN ANCILLARY PROCEEDINGS. OR THE U.S. ATTORNEY MAY  
8 BE UNAWARE OF A PERSON'S INCLINATION TO ASSERT THE 5TH. SO IT  
9 MAY COME UP IN FRONT OF YOU. IT DOESN'T ALWAYS COME UP.

10 AS I MENTIONED TO YOU IN MY PRELIMINARY REMARKS,  
11 WITNESSES ARE NOT PERMITTED TO HAVE A LAWYER WITH THEM IN THE  
12 GRAND JURY ROOM. THE LAW DOESN'T PERMIT A WITNESS SUMMONED  
13 BEFORE THE GRAND JURY TO BRING THE LAWYER WITH THEM, ALTHOUGH  
14 WITNESSES DO HAVE A RIGHT TO CONFER WITH THEIR LAWYERS DURING  
15 THE COURSE OF GRAND JURY INVESTIGATION PROVIDED THE CONFERENCE  
16 OCCURS OUTSIDE THE GRAND JURY ROOM.

17 YOU MAY FACE A SITUATION WHERE A WITNESS SAYS "I'D  
18 LIKE TO TALK TO MY LAWYER BEFORE I ANSWER THAT QUESTION," IN  
19 WHICH CASE THE PERSON WOULD LEAVE THE ROOM, CONSULT WITH THE  
20 LAWYER, AND THEN COME BACK INTO THE ROOM WHERE FURTHER ACTION  
21 WOULD TAKE PLACE.

22 APPEARANCES BEFORE A GRAND JURY SOMETIMES PRESENT  
23 COMPLEX LEGAL PROBLEMS THAT REQUIRE THE ASSISTANCE OF LAWYERS.  
24 YOU'RE NOT TO DRAW ANY ADVERSE INFERENCE IF A WITNESS DOES ASK  
25 TO LEAVE THE ROOM TO SPEAK TO HIS LAWYER OR HER LAWYER AND

1 THEN LEAVES FOR THAT PURPOSE.

2 ORDINARILY, NEITHER THE ACCUSED OR ANY WITNESS ON  
3 THE ACCUSED'S BEHALF WILL TESTIFY IN THE GRAND JURY SESSION.  
4 BUT UPON THE REQUEST OF AN ACCUSED, PREFERABLY IN WRITING, YOU  
5 MAY AFFORD THE ACCUSED AN OPPORTUNITY TO APPEAR IN FRONT OF  
6 YOU.

7 AS I'VE SAID, THESE PROCEEDINGS TEND TO BE ONE-SIDED  
8 NECESSARILY. THE PROSECUTOR IS ASKING YOU TO RETURN AN  
9 INDICTMENT TO A CRIMINAL CHARGE, AND THEY'LL MUSTER THE  
10 EVIDENCE THAT THEY HAVE THAT THEY BELIEVE SUPPORTS PROBABLE  
11 CAUSE AND PRESENT THAT TO YOU. BECAUSE IT'S NOT A FULL-BLOWN  
12 TRIAL, YOU'RE LIKELY IN MOST CASES NOT TO HEAR THE OTHER SIDE  
13 OF THE STORY, IF THERE IS ANOTHER SIDE TO THE STORY. THERE'S  
14 NO PROVISION OF LAW THAT ALLOWS AN ACCUSED, FOR EXAMPLE, TO  
15 CONTEST THE MATTER IN FRONT OF THE GRAND JURY.

16 IT MAY HAPPEN, AS I SAID, THAT AN ACCUSED MAY ASK TO  
17 APPEAR IN FRONT OF YOU. BECAUSE THE APPEARANCE OF SOMEONE  
18 ACCUSED OF A CRIME MAY RAISE COMPLICATED LEGAL PROBLEMS, YOU  
19 SHOULD SEEK THE U.S. ATTORNEY'S ADVICE AND COUNSEL, IF  
20 NECESSARY, AND THAT OF THE COURT BEFORE ALLOWING THAT.

21 BEFORE ANY ACCUSED PERSON IS ALLOWED TO TESTIFY,  
22 THEY MUST BE ADVISED OF THEIR RIGHTS, AND YOU SHOULD BE  
23 COMPLETELY SATISFIED THAT THEY UNDERSTAND WHAT THEY'RE DOING.

24 YOU'RE NOT REQUIRED TO SUMMON WITNESSES WHICH AN  
25 ACCUSED PERSON MAY WANT YOU TO HAVE EXAMINED UNLESS PROBABLE

1 CAUSE FOR AN INDICTMENT MAY BE EXPLAINED AWAY BY THE TESTIMONY  
2 OF THOSE WITNESSES.

3 NOW, AGAIN, THIS EMPHASIZES THE DIFFERENCE BETWEEN  
4 THE FUNCTION OF THE GRAND JURY AND THE TRIAL JURY. YOU'RE ALL  
5 ABOUT PROBABLE CAUSE. IF YOU THINK THAT THERE'S EVIDENCE OUT  
6 THERE THAT MIGHT CAUSE YOU TO SAY "WELL, I DON'T THINK  
7 PROBABLE CAUSE EXISTS," THEN IT'S INCUMBENT UPON YOU TO HEAR  
8 THAT EVIDENCE AS WELL. AS I TOLD YOU, IN MOST INSTANCES, THE  
9 U.S. ATTORNEYS ARE DUTY-BOUND TO PRESENT EVIDENCE THAT CUTS  
10 AGAINST WHAT THEY MAY BE ASKING YOU TO DO IF THEY'RE AWARE OF  
11 THAT EVIDENCE.

12 THE DETERMINATION OF WHETHER A WITNESS IS TELLING  
13 THE TRUTH IS SOMETHING FOR YOU TO DECIDE. NEITHER THE COURT  
14 NOR THE PROSECUTORS NOR ANY OFFICERS OF THE COURT MAY MAKE  
15 THAT DETERMINATION FOR YOU. IT'S THE EXCLUSIVE PROVINCE OF  
16 GRAND JURORS TO DETERMINE WHO IS CREDIBLE AND WHO MAY NOT BE.

17 FINALLY, LET ME TELL YOU THIS: THERE'S ANOTHER  
18 DIFFERENCE BETWEEN OUR GRAND JURY PROCEDURE HERE AND  
19 PROCEDURES YOU MAY BE FAMILIAR WITH HAVING SERVED ON STATE  
20 TRIAL JURIES OR FEDERAL TRIAL JURIES OR EVEN ON THE STATE  
21 GRAND JURY; HEARSAY TESTIMONY, THAT IS, TESTIMONY AS TO FACTS  
22 NOT PERSONALLY KNOWN BY THE WITNESS, BUT WHICH THE WITNESS HAS  
23 BEEN TOLD OR RELATED BY OTHER PERSONS MAY BE DEEMED BY YOU  
24 PERSUASIVE AND MAY PROVIDE A BASIS FOR RETURNING AN INDICTMENT  
25 AGAINST AN ACCUSED.

1           WHAT I MEAN BY THAT IS IF IT'S A FULL-BLOWN TRIAL  
2       WHERE THE RULES OF EVIDENCE APPLY -- AND ALL OF US ARE  
3       FAMILIAR WITH THIS TERM "HEARSAY EVIDENCE." GENERALLY, IT  
4       FORBIDS SOMEBODY FROM REPEATING WHAT SOMEONE ELSE TOLD THEM  
5       OUTSIDE OF COURT. OH, THERE'S A MILLION EXCEPTIONS TO THE  
6       HEARSAY RULE, BUT THAT'S THE GIST OF THE RULE.

7           USUALLY, WE INSIST ON THE SPEAKER OF THE WORDS TO  
8       COME IN SO THAT WE CAN KNOW THE CONTEXT OF IT. THAT RULE  
9       DOESN'T APPLY IN THE GRAND JURY CONTEXT. BECAUSE IT'S A  
10      PRELIMINARY PROCEEDING, BECAUSE ULTIMATELY GUILT OR INNOCENCE  
11      IS NOT BEING DETERMINED, THE EVIDENTIARY STANDARDS ARE  
12      RELAXED. THE PROSECUTORS ARE ENTITLED TO PUT ON HEARSAY  
13      EVIDENCE.

14          HOW DOES THAT PLAY OUT IN REAL LIFE? WELL, YOU'RE  
15      GOING TO BE HEARING A LOT OF BORDER TYPE CASES. IT DOESN'T  
16      MAKE SENSE, IT'S NOT EFFICIENT, IT'S NOT COST-EFFECTIVE TO  
17      PULL ALL OF OUR BORDER GUARDS OFF THE BORDER TO COME UP AND  
18      TESTIFY. WHO IS LEFT GUARDING THE BORDER, THEN?

19          WHAT THEY'VE DONE IN THE BORDER CASES IN PARTICULAR  
20      IF THEY USUALLY HAVE A SUMMARY WITNESS; A WITNESS FROM, FOR  
21      EXAMPLE, BORDER PATROL OR CUSTOMS WHO WILL TALK TO THE PEOPLE  
22      OR READ THE REPORTS OF THE PEOPLE WHO ACTUALLY MADE THE  
23      ARREST. THAT PERSON WILL COME IN AND TESTIFY ABOUT WHAT  
24      HAPPENED. THE PERSON WON'T HAVE FIRST-HAND KNOWLEDGE, BUT  
25      THEY'LL BE RELIABLY INFORMED BY THE PERSON WITH FIRST-HAND

1 KNOWLEDGE OF WHAT OCCURRED, AND THEY'LL BE THE WITNESS BEFORE  
2 THE GRAND JURY.

3 YOU SHOULD EXPECT AND COUNT ON THE FACT THAT YOU'RE  
4 GOING TO HEAR EVIDENCE IN THE FORM OF HEARSAY THAT WOULD NOT  
5 BE ADMISSIBLE IF THE CASE GOES FORWARD TO TRIAL, BUT IS  
6 ADMISSIBLE AT THE GRAND JURY STAGE.

7 AFTER YOU'VE HEARD ALL OF THE EVIDENCE THAT THE U.S.  
8 ATTORNEY INTENDS TO PRESENT OR THAT YOU WANT TO HEAR IN A  
9 PARTICULAR MATTER, YOU'RE THEN CHARGED WITH THE OBLIGATION OF  
10 DELIBERATING TO DETERMINE WHETHER THE ACCUSED PERSON OUGHT TO  
11 BE INDICTED. NO ONE OTHER THAN YOUR OWN MEMBERS, THE MEMBERS  
12 OF THE GRAND JURY, IS TO BE PRESENT IN THE GRAND JURY ROOM  
13 WHILE YOU'RE DELIBERATING.

14 WHAT THAT MEANS IS THE COURT REPORTER, THE ASSISTANT  
15 U.S. ATTORNEY, ANYONE ELSE, THE INTERPRETER WHO MAY HAVE BEEN  
16 PRESENT TO INTERPRET FOR A WITNESS, MUST GO OUT OF THE ROOM,  
17 AND THE PROCEEDING MUST GO FORWARD WITH ONLY GRAND JURORS  
18 PRESENT DURING THE DELIBERATION AND VOTING ON AN INDICTMENT.

19 YOU HEARD ME EXPLAIN EARLIER THAT AT VARIOUS TIMES  
20 DURING THE PRESENTATION OF MATTERS BEFORE YOU, OTHER PEOPLE  
21 MAY BE PRESENT IN THE GRAND JURY. THIS IS PERFECTLY  
22 ACCEPTABLE. THE RULE THAT I HAVE JUST READ TO YOU ABOUT YOUR  
23 PRESENCE ALONE IN THE GRAND JURY ROOM APPLIES ONLY DURING  
24 DELIBERATION AND VOTING ON INDICTMENTS.

25 TO RETURN AN INDICTMENT CHARGING SOMEONE WITH AN

1 OFFENSE, IT'S NOT NECESSARY, AS I MENTIONED MANY TIMES, THAT  
2 YOU FIND PROOF BEYOND A REASONABLE DOUBT. THAT'S THE TRIAL  
3 STANDARD, NOT THE GRAND JURY STANDARD. YOUR TASK IS TO  
4 DETERMINE WHETHER THE GOVERNMENT'S EVIDENCE, AS PRESENTED TO  
5 YOU, IS SUFFICIENT TO CONCLUDE THAT THERE'S PROBABLE CAUSE TO  
6 BELIEVE THAT THE ACCUSED IS GUILTY OF THE PROPOSED OR CHARGED  
7 OFFENSE.

8 I EXPLAINED TO YOU WHAT THAT STANDARD MEANS. LET  
9 ME, AT THE RISK OF BORING YOU, TELL YOU ONE MORE TIME.

10 PROBABLE CAUSE MEANS THAT YOU HAVE AN HONESTLY HELD  
11 CONSCIENTIOUS BELIEF AND THAT THE BELIEF IS REASONABLE THAT A  
12 FEDERAL CRIME WAS COMMITTED AND THAT THE PERSON TO BE INDICTED  
13 WAS SOMEHOW ASSOCIATED WITH THE COMMISSION OF THAT CRIME.  
14 EITHER THEY COMMITTED IT THEMSELVES OR THEY HELPED SOMEONE  
15 COMMIT IT OR THEY WERE PART OF A CONSPIRACY, AN ILLEGAL  
16 AGREEMENT, TO COMMIT THAT CRIME.

17 TO PUT IT ANOTHER WAY, YOU SHOULD VOTE TO INDICT  
18 WHEN THE EVIDENCE PRESENTED TO YOU IS SUFFICIENTLY STRONG TO  
19 WARRANT A REASONABLE PERSON TO BELIEVE THAT THE ACCUSED IS  
20 PROBABLY GUILTY OF THE OFFENSE WHICH IS PROPOSED.

21 EACH GRAND JUROR HAS THE RIGHT TO EXPRESS VIEWS ON  
22 THE MATTER UNDER CONSIDERATION. AND ONLY AFTER ALL GRAND  
23 JURORS HAVE BEEN GIVEN A FULL OPPORTUNITY TO BE HEARD SHOULD  
24 YOU VOTE ON THE MATTER BEFORE YOU. YOU MAY DECIDE AFTER  
25 DELIBERATION AMONG YOURSELVES THAT YOU NEED MORE EVIDENCE,

1 THAT MORE EVIDENCE SHOULD BE CONSIDERED BEFORE A VOTE IS  
2 TAKEN. IN SUCH CASES, THE U.S ATTORNEY OR THE ASSISTANT U.S.  
3 ATTORNEY CAN BE DIRECTED TO SUBPOENA ADDITIONAL DOCUMENTS OR  
4 WITNESSES FOR YOU TO CONSIDER IN ORDER TO MAKE YOUR  
5 DETERMINATION.

6 WHEN YOU'VE DECIDED TO VOTE, THE FOREPERSON SHOULD  
7 KEEP A RECORD OF THE VOTE. THAT RECORD SHOULD BE FILED WITH  
8 THE CLERK OF THE COURT. THE RECORD DOESN'T INCLUDE THE NAMES  
9 OF THE JURORS OR HOW THEY VOTED, BUT ONLY THE NUMBER OF VOTES  
10 FOR THE INDICTMENT. SO IT'S AN ANONYMOUS VOTE. YOU'LL KNOW  
11 AMONG YOURSELVES WHO VOTED WHICH WAY, BUT THAT INFORMATION  
12 DOES NOT GET CAPTURED OR RECORDED, JUST THE NUMBER OF PEOPLE  
13 VOTING FOR INDICTMENT.

14 IF 12 OR MORE MEMBERS OF THE GRAND JURY AFTER  
15 DELIBERATION BELIEVE THAT AN INDICTMENT IS WARRANTED, THEN  
16 YOU'LL REQUEST THE UNITED STATES ATTORNEY TO PREPARE A FORMAL  
17 WRITTEN INDICTMENT IF ONE'S NOT ALREADY BEEN PREPARED AND  
18 PRESENTED TO YOU. IN MY EXPERIENCE, MOST OF THE TIME THE U.S.  
19 ATTORNEY WILL SHOW UP WITH THE WITNESSES AND WILL HAVE THE  
20 PROPOSED INDICTMENT WITH THEM. SO YOU'LL HAVE THAT TO  
21 CONSIDER. YOU'LL KNOW EXACTLY WHAT THE PROPOSED CHARGES ARE.

22 THE INDICTMENT WILL SET FORTH THE DATE AND THE PLACE  
23 OF THE ALLEGED OFFENSE AND THE CIRCUMSTANCES THAT THE U.S.  
24 ATTORNEY BELIEVES MAKES THE CONDUCT CRIMINAL. IT WILL  
25 IDENTIFY THE CRIMINAL STATUTES THAT HAVE ALLEGEDLY BEEN

1 VIOLATED.

2 THE FOREPERSON, UPON THE GRAND JURY VOTING TO RETURN  
3 THE INDICTMENT, WILL THEN ENDORSE OR SIGN THE INDICTMENT,  
4 WHAT'S CALLED A TRUE BILL OF INDICTMENT. THERE'S A SPACE  
5 PROVIDED BY THE WORD -- OR FOLLOWED BY THE WORD "FOREPERSON."  
6 THE FOREPERSON IS TO SIGN THE INDICTMENT IF THE GRAND JURY  
7 BELIEVES THAT THERE'S PROBABLE CAUSE. A TRUE BILL SIGNIFIES  
8 THAT 12 OR MORE GRAND JURORS HAVE AGREED THAT THE CASE OUGHT  
9 TO GO FORWARD WITH PROBABLE CAUSE TO BELIEVE THAT THE PERSON  
10 PROPOSED FOR THE CHARGE IS GUILTY OF THE CRIME.

11 IT'S THE DUTY OF THE FOREPERSON TO ENDORSE OR SIGN  
12 EVERY INDICTMENT VOTED ON BY AT LEAST 12 MEMBERS EVEN IF THE  
13 FOREPERSON HAS VOTED AGAINST RETURNING THE INDICTMENT. SO IF  
14 YOU'VE BEEN DESIGNATED A FOREPERSON OR AN ASSISTANT  
15 FOREPERSON, EVEN IF YOU VOTED THE OTHER WAY OR YOU'RE  
16 OUT-VOTED, IF THERE'S AT LEAST 12 WHO VOTED FOR THE  
17 INDICTMENT, THEN YOU MUST SIGN THE INDICTMENT.

18 IF YOU WERE THE 12 MEMBERS OF THE GRAND JURY WHO  
19 VOTED IN FAVOR OF THE INDICTMENT, THEN THE FOREPERSON WILL  
20 ENDORSE THE INDICTMENT WITH THESE WORDS: "NOT A TRUE BILL."  
21 THEY'LL RETURN IT TO THE COURT. THE COURT WILL IMPOUND IT.

22 THE INDICTMENTS WHICH HAVE BEEN ENDORSED AS A TRUE  
23 BILL ARE PRESENTED EITHER TO ONE OF OUR MAGISTRATE JUDGES OR  
24 TO A DISTRICT JUDGE IN OPEN COURT BY YOUR FOREPERSON AT THE  
25 CONCLUSION OF EACH SESSION OF THE GRAND JURY. THIS IS THE

1 PROCEDURE THAT YOU HEARD ME ALLUDE TO. IN THE ABSENCE OF THE  
2 FOREPERSON, THE DEPUTY FOREPERSON SHALL PERFORM ALL THE  
3 FUNCTIONS AND DUTIES OF THE FOREPERSON.

4 LET ME EMPHASIZE AGAIN IT'S EXTREMELY IMPORTANT FOR  
5 THOSE OF YOU WHO ARE GRAND JURORS TO REALIZE THAT UNDER OUR  
6 CONSTITUTION, THE GRAND JURY IS AN INDEPENDENT BODY. IT'S  
7 INDEPENDENT OF THE UNITED STATES ATTORNEY. IT'S NOT AN ARM OR  
8 AN AGENT OF FEDERAL BUREAU OF INVESTIGATION OF THE DRUG  
9 ENFORCEMENT ADMINISTRATION, THE IRS, OR ANY OTHER GOVERNMENT  
10 AGENCY CHARGED WITH PROSECUTING THE CRIME.

11 I USED THE CHARACTERIZATION EARLIER THAT YOU STAND  
12 AS A BUFFER BETWEEN OUR GOVERNMENT'S ABILITY TO ACCUSE SOMEONE  
13 OF A CRIME AND THEN PUTTING THAT PERSON THROUGH THE BURDEN OF  
14 STANDING TRIAL. YOU ACT AS AN INDEPENDENT BODY OF CITIZENS.

15 IN RECENT YEARS, THERE HAS BEEN CRITICISM OF THE  
16 INSTITUTION OF THE GRAND JURY. THE CRITICISM GENERALLY IS THE  
17 GRAND JURY ACTS AS RUBBER STAMPS AND APPROVES PROSECUTIONS  
18 THAT ARE BROUGHT BY THE GOVERNMENT WITHOUT THOUGHT.

19 INTERESTINGLY ENOUGH, IN MY DISCUSSION WITH  
20 PROSPECTIVE GRAND JURORS, WE HAD ONE FELLOW WHO SAID, "YEAH,  
21 THAT'S THE WAY I THINK IT OUGHT TO BE." WELL, THAT'S NOT THE  
22 WAY IT IS. AS A PRACTICAL MATTER, YOU WILL WORK CLOSELY WITH  
23 GOVERNMENT LAWYERS. THE U.S. ATTORNEY AND THE ASSISTANT U.S.  
24 ATTORNEYS WILL PROVIDE YOU WITH IMPORTANT SERVICES AND HELP  
25 YOU FIND YOUR WAY WHEN YOU'RE CONFRONTED WITH COMPLEX LEGAL

1 MATTERS. IT'S ENTIRELY PROPER THAT YOU SHOULD RECEIVE THE  
2 ASSISTANCE FROM THE GOVERNMENT LAWYERS.

3 BUT AT THE END OF THE DAY, THE DECISION ABOUT  
4 WHETHER A CASE GOES FORWARD AND AN INDICTMENT SHOULD BE  
5 RETURNED IS YOURS AND YOURS ALONE. IF PAST EXPERIENCE IS ANY  
6 INDICATION OF WHAT TO EXPECT IN THE FUTURE, THEN YOU CAN  
7 EXPECT THAT THE U.S. ATTORNEYS THAT WILL APPEAR IN FRONT OF  
8 YOU WILL BE CANDID, THEY'LL BE HONEST, THAT THEY'LL ACT IN  
9 GOOD FAITH IN ALL MATTERS PRESENTED TO YOU.

10 HOWEVER, AS I SAID, ULTIMATELY YOU HAVE TO DEPEND ON  
11 YOUR INDEPENDENT JUDGMENT IN MAKING THE DECISION THAT YOU ARE  
12 CHARGED WITH MAKING AS GRAND JURORS. YOU'RE NOT AN ARM OF THE  
13 U.S. ATTORNEY'S OFFICE. YOU'RE NOT AN ARM OF ANY GOVERNMENT  
14 AGENCY. THE GOVERNMENT'S LAWYERS ARE PROSECUTORS, AND YOU'RE  
15 NOT.

16 IF THE FACTS SUGGEST TO YOU THAT YOU SHOULD NOT  
17 INDICT, THEN YOU SHOULD NOT DO SO EVEN IN THE FACE OF  
18 OPPOSITION OR STATEMENTS OR ARGUMENTS FROM ONE OF THE  
19 ASSISTANT UNITED STATES ATTORNEYS. YOU SHOULD NOT SURRENDER  
20 AN HONESTLY OR CONSCIOUSLY HELD BELIEF WITHOUT THE WEIGHT OF  
21 THE EVIDENCE AND SIMPLY DEFER TO THE U.S. ATTORNEY. THAT'S  
22 YOUR DECISION TO MAKE.

23 JUST AS YOU MUST MAINTAIN YOUR INDEPENDENCE IN YOUR  
24 DEALINGS WITH GOVERNMENT LAWYERS, YOUR DEALINGS WITH THE COURT  
25 MUST BE ON A FORMAL BASIS, ALSO. IF YOU HAVE A QUESTION FOR

1 THE COURT OR A DESIRE TO MAKE A PRESENTMENT OR A RETURN OF AN  
2 INDICTMENT TO THE COURT, THEN YOU MAY CONTACT ME THROUGH MY  
3 CLERK. YOU'LL BE ABLE TO ASSEMBLE IN THE COURTROOM OFTENTIMES  
4 FOR THESE PURPOSES.

5 LET ME TELL YOU ALSO THAT EACH GRAND JUROR IS  
6 DIRECTED TO REPORT IMMEDIATELY TO THE COURT ANY ATTEMPT BY  
7 ANYBODY UNDER ANY PRETENSE WHATSOEVER TO ADDRESS YOU OR  
8 CONTACT YOU FOR THE PURPOSE OF TRYING TO GAIN INFORMATION  
9 ABOUT WHAT'S GOING ON IN FRONT OF THE GRAND JURY. THAT SHOULD  
10 NOT HAPPEN. IF IT DOES HAPPEN, I SHOULD BE INFORMED OF THAT  
11 IMMEDIATELY BY ANY OF YOU, COLLECTIVELY OR INDIVIDUALLY. IF  
12 ANY PERSON CONTACTS YOU OR ATTEMPTS TO INFLUENCE YOU IN ANY  
13 MANNER IN CARRYING OUT YOUR DUTIES AS A GRAND JUROR, LET ME  
14 KNOW ABOUT IT.

15 LET ME TALK A LITTLE BIT MORE ABOUT THE OBLIGATION  
16 OF SECRECY, WHICH I'VE MENTIONED AND ALLUDED TO. AS I TOLD  
17 YOU BEFORE, THE HALLMARK OF THE GRAND JURY, PARTICULARLY OUR  
18 FEDERAL GRAND JURY, IS THAT IT OPERATES SECRETLY. IT OPERATES  
19 IN SECRECY, AND ITS PROCEEDINGS ARE ENTIRELY SECRET.

20 YOUR PROCEEDINGS AS GRAND JURORS ARE ALWAYS SECRET,  
21 AND THEY MUST REMAIN SECRET PERMANENTLY UNLESS AND UNTIL THE  
22 COURT DETERMINES OTHERWISE. YOU CAN'T RELATE TO YOUR FAMILY,  
23 THE NEWS MEDIA, TELEVISION REPORTERS, OR TO ANYONE WHAT  
24 HAPPENED IN FRONT OF THE GRAND JURY. IN FACT, TO DO SO IS TO  
25 COMMIT A CRIMINAL OFFENSE. YOU COULD BE HELD CRIMINALLY

1       LIABLE FOR REVEALING WHAT OCCURRED IN FRONT OF THE GRAND JURY.

2               THERE ARE SEVERAL IMPORTANT REASONS WHY WE DEMAND  
3       SECURITY IN THE INSTITUTION OF THE GRAND JURY. FIRST -- AND I  
4       MENTIONED THIS, AND THIS IS OBVIOUS -- THE PREMATURE  
5       DISCLOSURE OF INFORMATION THAT THE GRAND JURY IS ACTING ON  
6       COULD VERY WELL FRUSTRATE THE ENDS OF JUSTICE IN PARTICULAR  
7       CASES. IT MIGHT GIVE AN OPPORTUNITY FOR SOMEONE WHO'S ACCUSED  
8       OF A CRIME TO ESCAPE OR BECOME A FUGITIVE OR TO DESTROY  
9       EVIDENCE THAT MIGHT OTHERWISE BE UNCOVERED LATER ON. YOU  
10      DON'T WANT TO DO THAT.

11              IN THE COURSE OF AN INVESTIGATION, IT'S ABSOLUTELY  
12      IMPERATIVE THAT THE INVESTIGATION AND THE FACTS OF THE  
13      INVESTIGATION REMAIN SECRET, AND YOU SHOULD KEEP THAT FOREMOST  
14      IN YOUR MIND. ALSO, IF THE TESTIMONY OF A WITNESS IS  
15      DISCLOSED, THE WITNESS MAY BE SUBJECT TO INTIMIDATION OR  
16      SOMETIMES RETALIATION OR BODILY INJURY BEFORE THE WITNESS IS  
17      ABLE TO TESTIFY. IT IS SOMETHING THAT THE LAW ENFORCEMENT --  
18      IT'S SOMETIMES THE CASE THAT LAW ENFORCEMENT WILL TELL A  
19      WITNESS WHO IS COOPERATING WITH AN INVESTIGATION THAT THEIR  
20      SECURITY IS GUARANTEED. IT SOMETIMES TAKES THAT KIND OF  
21      ASSURANCE FROM THE POLICE OR LAW ENFORCEMENT AGENTS TO GET A  
22      WITNESS TO TELL WHAT THEY KNOW. AND THAT GUARANTEE CAN ONLY  
23      BE SECURED IF YOU MAINTAIN THE OBLIGATION OF SECURITY.

24              THE GRAND JURY IS FORBIDDEN BY LAW FROM DISCLOSING  
25      ANY INFORMATION ABOUT THE GRAND JURY PROCESS WHATSOEVER. IT'S

1 ON THE BASIS SOMETIMES OF REPRESENTATIONS LIKE THAT RELUCTANT  
2 WITNESSES DO COME FORWARD. AGAIN, IT UNDERSCORES THE  
3 IMPORTANCE OF SECRECY.

4 AS I'VE ALSO MENTIONED, THE REQUIREMENT OF SECRECY  
5 PROTECTS INNOCENT PEOPLE WHO MAY HAVE COME UNDER  
6 INVESTIGATION, BUT WHO ARE CLEARED BY THE ACTIONS OF THE GRAND  
7 JURY. IT'S A TERRIBLE THING TO BE IMPROPERLY ACCUSED OF A  
8 CRIME. IT'S LIKE A SCARLET LETTER THAT PEOPLE SOMETIMES WEAR  
9 FOREVER. IT'S WORSE IF THE CRIME OR THE ACCUSATION NEVER  
10 BECOMES FORMAL. JUST THE IDEA THAT SOMEONE IS UNDER  
11 INVESTIGATION CAN HAVE DISASTROUS CONSEQUENCES FOR THAT PERSON  
12 OR HIS OR HER BUSINESS OR HIS OR HER FAMILY. THIS IS ANOTHER  
13 IMPORTANT REASON WHY THE GRAND JURY PROCEEDINGS MUST REMAIN  
14 SECRET.

15 IN THE EYES OF SOME PEOPLE, INVESTIGATION BY THE  
16 GRAND JURY ALONE CARRIES WITH IT THE STIGMA OR SUGGESTION OF  
17 GUILT. SO GREAT INJURY CAN BE DONE TO A PERSON'S GOOD NAME  
18 EVEN THOUGH ULTIMATELY YOU DECIDE THAT THERE'S NO EVIDENCE  
19 SUPPORTING AN INDICTMENT OF THE PERSON.

20 TO ENSURE THE SECRECY OF THE GRAND JURY PROCEEDINGS,  
21 THE LAW PROVIDES THAT ONLY AUTHORIZED PEOPLE MAY BE IN THE  
22 GRAND JURY ROOM WHILE EVIDENCE IS BEING PRESENTED. AS I'VE  
23 MENTIONED TO YOU NOW SEVERAL TIMES, THE ONLY PEOPLE WHO MAY BE  
24 PRESENT DURING THE FUNCTIONING OF THE GRAND JURY ARE THE GRAND  
25 JURORS THEMSELVES, THE UNITED STATES ATTORNEY OR AN ASSISTANT

1 WHO'S PRESENTING THE CASE, A WITNESS WHO IS THEN UNDER  
2 EXAMINATION, A COURT REPORTER, AND AN INTERPRETER, IF  
3 NECESSARY. ALL THE OTHERS EXCEPT THE GRAND JURORS GO OUT  
4 DURING THE DELIBERATION AND VOTING.

5 YOU MAY DISCLOSE TO THE U.S. ATTORNEY WHO IS  
6 ASSISTING THE GRAND JURY CERTAIN INFORMATION. AS I SAID, IF  
7 YOU HAVE QUESTIONS, IF GRAND JURORS HAVE QUESTIONS THAT THEY  
8 WANT ANSWERED, OBVIOUSLY THAT INFORMATION IS TO BE CONVEYED TO  
9 THE U.S. ATTORNEY TO GET THE QUESTIONS ANSWERED.

10 BUT YOU SHOULD NOT DISCLOSE THE CONTEXT OF YOUR  
11 DELIBERATIONS OR THE VOTE OF ANY PARTICULAR GRAND JUROR TO  
12 ANYONE, EVEN THE GOVERNMENT LAWYERS, ONCE THE VOTE HAS BEEN  
13 DONE. THAT'S ONLY THE BUSINESS OF THE GRAND JURY. IN OTHER  
14 WORDS, YOU'RE NOT TO INFORM THE GOVERNMENT LAWYER WHO VOTED  
15 ONE WAY ON THE INDICTMENT AND WHO VOTED THE OTHER WAY.

16 LET ME CONCLUDE NOW -- I APPRECIATE YOUR PATIENCE,  
17 AND IT'S BEEN A LONG SESSION THIS MORNING -- BY SAYING THAT  
18 THE IMPORTANCE OF THE SERVICE YOU PERFORM IS DEMONSTRATED BY  
19 THE VERY IMPORTANT AND COMPREHENSIVE OATH WHICH YOU TOOK A  
20 SHORT WHILE AGO. IT'S AN OATH THAT IS ROOTED IN OUR HISTORY  
21 AS A COUNTRY. THOUSANDS OF PEOPLE BEFORE YOU HAVE TAKEN A  
22 SIMILAR OATH. AND AS GOOD CITIZENS, YOU SHOULD BE PROUD TO  
23 HAVE BEEN SELECTED TO ASSIST IN THE ADMINISTRATION OF JUSTICE.

24 IT HAS BEEN MY PLEASURE TO MEET YOU. I WOULD BE  
25 HAPPY TO SEE YOU IN THE FUTURE IF THE NEED ARISES. AT THIS

1 POINT, THE U.S. ATTORNEY, MR. ROBINSON, WILL ASSIST YOU IN  
2 FURTHER ORGANIZATION. SO THIS PART OF THE ADMINISTRATION OF  
3 YOUR RESPONSIBILITY AS GRAND JURORS INVOLVING THE COURT IS  
4 OVER.

5 IT MIGHT BE APPROPRIATE TO TAKE A BREAK BEFORE WE GO  
6 ON TO THE NEXT PROCEEDING. I'VE HELD THESE FOLKS FOR A LONG  
7 TIME.

8 LADIES AND GENTLEMEN, MY GREAT PLEASURE TO MEET ALL  
9 OF YOU. GOOD LUCK WITH YOUR GRAND JURY SERVICE. I THINK  
10 YOU'LL FIND IT REWARDING AND INTERESTING AND COMPELLING.

11 --000--  
12  
13  
14

15 I HEREBY CERTIFY THAT THE TESTIMONY  
16 ADDUCED IN THE FOREGOING MATTER IS  
17 A TRUE RECORD OF SAID PROCEEDINGS.  
18  
19 \_\_\_\_\_  
20  
21  
22  
23  
24  
25